



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,038	02/23/2004	Kil-soo Jung	1293.1719	3802

49455 7590 07/21/2009
STEIN MCEWEN, LLP
1400 EYE STREET, NW
SUITE 300
WASHINGTON, DC 20005

EXAMINER

ADEGEYE, OLUWASEUN

ART UNIT	PAPER NUMBER
----------	--------------

2621

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

07/21/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptomail@smiplaw.com

Office Action Summary	Application No. 10/783,038	Applicant(s) JUNG ET AL.	
	Examiner OLUWASEUN A. ADEGEYE	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02/23/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 34 is/are pending in the application.
- 4a) Of the above claim(s) 7 - 31 and 33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02/23/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 6, 32 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nonomura (US 2003/0108338 A1) in view of Baldwin et al (US 6,975,363 B1).

As to **claim 1**, Nonomura discloses a decoding apparatus for providing a browsable slide show (see [154] and [155]), the decoding apparatus comprising:

a mainstream decoder (fig. 23, 88), to decode mainstream packet data (see [95] and [251]);

a sub-audio decoder (fig. 23, 103, 104), to decode sub-audio packet data (see [255], [256]);

a mainstream system time clock counter, to provide a system time clock sequence which is used for decoding of the mainstream packet data by the mainstream decoder (see [224]); and

a sub-audio system time clock counter, to provide a system time clock sequence which is used for decoding of the sub-audio packet data by the sub-audio decoder (see [225] and [226]).

wherein the sub-audio packet data is reproduced together with the mainstream packet data (see [225]).

However Nonomura does not disclose two different STC counters.

Baldwin discloses independent STC counters (see fig. 3 and column 6, lines 27 – 36 and column 3, lines 4 - 7).

Baldwin discloses that the sub-audio time clock counter continuously increases even if a user inputs a reverse play or forward play command (it is inherent from the Baldwin patent that if the audio presentation is separate and independent from the video presentation, the audio clock counter will continue increase even though the user inputs a reverse play or a forward play command for the video since they are independent).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used separate STC counters taught by Baldwin to the apparatus of Nonomura to provide a system wherein a user can watch a football game while listening to music rather than the football commentary (see column 2, lines 65 - 67 and column 7, line 63 - column 8, line 10).

As to **claim 2**, Nonomura discloses the decoding apparatus of claim 1, wherein the mainstream packet data comprises image data to be reproduced in a browsable slide show (see [94], [95], [154] and [155]).

As to **claim 3**, Nonomura discloses the decoding apparatus of claim 2, wherein the sub-audio packet data comprises audio data attached to the image data (see [225]).

As to **claim 4**, Nonomura discloses the decoding apparatus of claim 3, further comprising:

a mainstream buffer (94, 96) to store the image data (see [253] and [254]); and

a sub-audio buffer (99) to store the audio data (see [256]), wherein the apparatus can seamlessly reproduce the audio data when a forward or reverse play (see [242]) is selected during the browsable slide show (see [154] and [155]).

As to **claim 5**, Nonomura discloses the decoding apparatus of claim 2, wherein the mainstream system time clock counter provides a system time clock sequence to the mainstream decoder for each image included in the mainstream packet data (see [224]).

As to **claim 6**, Nonomura discloses the decoding apparatus of claim 1, wherein an output of the mainstream system time clock counter is initialized (reset) based on a predetermined reference value specified in the mainstream packet data (see [224]).

As to **claim 32**, Nonomura discloses a decoding apparatus for providing a browsable slide show (see [154] and [155]), the decoding apparatus comprising:

a video decoder (fig. 23, 87) to decode video data provided to the apparatus (see [258]); and

an audio decoder (fig. 23, 100) to decode audio data provided to the apparatus (see [260]),

wherein the audio data is decoded independently of the video data to seamlessly reproduce the audio data during the browsable slide show when a forward play or a reverse play (see [242]) of the video data is selected (see [226]. Paragraph 228 discloses that audio is outputted based on the PTS accompanying the audio itself and not by any other PTS).

and the audio data is reproduced together with the video data (see [225])

However Nonomura does not disclose two different STC counters.

Foster discloses two different STC counters (see column 4, lines 29 - 38 and column 6, lines 32 - 42).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used to separate STC counters taught by Foster to the apparatus of Nonomura to provide a system that compensates for offsets in latency from a STC/PTS compare to the user perceived output (see column 4, lines 28 – 34).

As to **claim 34**, grounds for rejecting claim 1 apply to claim 34 in its entirety.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUWASEUN A. ADEGEYE whose telephone number is (571)270-1711. The examiner can normally be reached on Monday - Friday 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone

Art Unit: 2621

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha Banks-Harold/ SPE Art Unit 2621

07/13/2009

/O.A/